



**COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY**

September 5, 2023

Via ECF
Hon. Lee G. Dunst
United States District Court
100 Federal Plaza
Central Islip, NY 11722

Re: Hasper v. County of Nassau et al.
20-CV-02348 (OEM) (LGD)

Your Honor:

This office represents all Defendants in the above referenced action. The purpose of this joint letter is to provide a status report with respect to discovery, following the last conference held with Your Honor on May 23, 2023, and the Court's subsequent Orders, dated June 14, 2023, June 22, 2023, June 29, 2023 and July 12, 2023, and July 31, 2023.

Defendants are still in the process of organizing the discovery ordered to be produced pursuant to this Court's Order dated June 29, 2023, which incorporated an itemized list of the outstanding discovery items (DE 46-2).

Defense counsel contacted Plaintiff's counsel by telephone on August 28, 2023, the due date for this discovery exchange set in the June 29, 2023 Order. Defense counsel explained that the lion's share of documents listed in DE 46-2 had already been obtained, but a few items remained outstanding, despite counsel's best efforts in working with the Nassau County Police Department to secure all outstanding documents. Plaintiff's counsel expressed that they would rather receive all discovery in a single exchange, rather than multiple piecemeal exchanges. Accordingly, the parties agreed to extend the deadline for the exchange to September 20, 2023, so that the exchange would still be made in advance of our next conference, scheduled for September 25, 2023.

As of this writing, of the 19 discovery items listed in DE 46-2, only 4 are still being worked on:

- 1) Police personnel business emails – these required a more intensive search by an IT professional to ensure a proper search for any relevant emails. That search was just completed on the date of this writing, but the numerous emails still need to be reviewed for redaction of any privileged content. This review will be completed well in advance of September 20, 2023.
- 2) Serious incident logs or any document that lists all NCPD personnel present at Bethpage Federal Credit Union and Plaintiff's home on 2/15/19 – Defendants believe we have produced the full list of personnel already, but another check is being made to ensure that all responsive documents have been obtained.

- 3) Memo books, notebooks and notes from all NCPD personnel present at Bethpage Federal Credit Union and Plaintiff's home on 2/15/19 – Again, Defendants believe they have already obtained these documents but an extra check is being conducted to ensure all relevant documents have been organized.
- 4) NCPD training Manual – This item only remains outstanding due to an electronic file transfer error. The correct files should be in hand this week.

Beyond these items, all responsive materials and responses sought by DE 46-2 have been obtained. All items, including those listed above are expected to be exchanged with Plaintiff's counsel by September 20, 2023. There should be no delay to the deposition schedule, but Plaintiff reserves his right to advise and recommend an appropriate and specified deposition schedule at the September 25, 2023 conference. At this time, Plaintiff's counsel does not see any need for discovery sanctions, and has consented to this brief extension.

It should also be noted that all police Affidavits required to be exchanged pursuant to the Court's July 12, 2023 Order have been exchanged.

The parties thank the Court for its time and attention to this matter.

Respectfully submitted,
/s/ Brian P. McLaughlin
Brian P. McLaughlin
Deputy County Attorney

cc: Via ECF
Anthony Grandinette, Esq.
Mirel Fisch, Esq.
Attorney for Plaintiff